

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2001-093972  
FC 2005-011715

11/18/2005

PRO TEM FREDERICK JONES  
FOR COMMISSIONER M. SCOTT MCCOY

CLERK OF THE COURT  
A. Sedillo  
Deputy

FILED: 12/01/2005

IN RE THE MATTER OF  
SHELLEY L STARACE

MICHAEL L GERTELL

AND

JAMES ANDREW STARACE

JOSH A VALDEZ

DOCKET-FAMILY COURT-SE  
FILE ROOM-SE

MINUTE ENTRY

Courtroom 303

**IT IS ORDERED** transferring all documents filed on November 14, 2005 and after in case number FC 2001-093972 to case number FC 2005-011715.

**IT IS FURTHER ORDERED** all parties are advised that this case will bear the new cause number of FC 2005-011715.

**IT IS FURTHER ORDERED** all supplemental documents be filed with the Clerk of Court under the new cause number if FC 2005-011715.

**IT IS FURTHER ORDERED** that the FILE ROOM physically remove all documents from the old cause number, FC 2001-093972, filed on November 14, 2005 and after to the new cause number of FC 2005-011715.

**IT IS FURTHER ORDERED** that the docket system be amended to reflect the assignment of the new cause number, FC 2005-011715.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2001-093972  
FC 2005-011715

11/18/2005

2:37 p.m. This is the time set for Hearing on Order of Protection issued on November 14, 2005 on behalf of Shelley L. Starace and against James A. Starace. Plaintiff, Shelley L. Starace, is present and represented by counsel, Michael L. Gertell. Defendant, James A. Starace, is present and represented by counsel, Josh A. Valdez.

A digital audio recording of this proceeding is being made by the "For The Record" recording system in lieu of a court reporter.

Shelley L. Starace and James A. Starace are sworn.

**Plaintiff's case:**

Shelley L. Starace, having previously been sworn, now testifies.

**Defendant's case:**

James A. Starace, having previously been sworn, now testifies.

Based on the testimony presented,

**THE COURT FINDS** that both parties have reason to fear, either physical touching or intimidation from the other. However, Mr. Starace did not file an order of protection. Plaintiff meets her burden of proof against Defendant.

**THE COURT FURTHER FINDS** that Plaintiff has demonstrated by a preponderance of the evidence that Defendant has committed acts of domestic violence or may commit acts of domestic violence.

**THE COURT FURTHER FINDS** it appropriate that the Order of Protection issued on November 14, 2005 be modified.

**IT IS ORDERED** modifying said Order of Protection as follows:

1. The children shall be removed from the Order of Protection.
2. Father's parenting time shall be at his parent's home on a temporary basis, until Father has a new residence.
3. Father shall have parenting time every Tuesday from 3:00 p.m. to 8:00 a.m. on Wednesday. Father shall pick up and drop off the children at their school.
4. Father shall have parenting time every Friday from 3:00 p.m. to Saturday 6:00 p.m.
5. Thanksgiving Day: Mother shall have parenting time until 2:00 p.m. and Father shall have parenting time at 2:00 p.m., drop off shall occur curbside.

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2001-093972  
FC 2005-011715

11/18/2005

6. Christmas vacation: Father shall have parenting time the first week of the Christmas vacation. Mother shall have parenting time the second week of the Christmas vacation, with Father's regular visitation on Tuesdays and Fridays.
7. Christmas Eve: Father shall have parenting time Christmas Eve.
8. Christmas Day: Mother shall have parenting time Christmas Day beginning at 8:00 a.m.

**THE COURT FINDS** the parties have knowingly, voluntarily and intelligently entered into the agreement. The agreement is in the best interest of the child/ren.

Pursuant to Rule 80(d), Arizona Rules of Civil Procedure, the agreement having been made in open Court,

**THE COURT FINDS** it is binding on the parties as entered on the record.

3:28 p.m. Matter concludes.

**LATER:**

**LET THE RECORD REFLECT** Defendant, James Andrew Starace, has signed an Acceptance of Service for the above named Deputy Clerk. Mr. Starace was given a copy of the Hearing Order Modifying Order of Protection, Modified Order of Protection, and Acceptance of Service.

Copies of the aforementioned documents will be mailed to Plaintiff's counsel by the Judicial Assistant for this Division.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.

**PLEASE NOTE:** This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2001-093972  
FC 2005-011715

11/18/2005

Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.